

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EDDIE MAE CLEMONS,	:	
	:	5:05-cv-192 (CAR)
Petitioner,	:	
	:	
vs.	:	HABEAS CORPUS
	:	28 U.S.C. § 2254
FOREST SANDERS, Warden,	:	
	:	
Respondent.	:	
_____	:	

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 13] that Respondent's Motion to Dismiss for Lack of Exhaustion [Doc. 7] and Respondent's Motion to Sever and Dismiss as Untimely [Doc. 9] be granted. Through its first motion, Respondent seeks dismissal of Petitioner's petition for habeas corpus on the grounds that Petitioner has failed to exhaust state remedies. Through its second motion, Respondent seeks to sever Petitioner's challenge to her 2003 guilty plea conviction and dismiss said challenge as untimely under the one year limitations period found in 28 U.S.C. § 2244(d). Petitioner failed to respond to either motion, even after the Court ordered her to do so [Doc. 12]. T

he Magistrate Judge recommended both motions be granted as uncontested. Petitioner filed no Objection to the Recommendation. Having considered the matter, the Court agrees with the Recommendation. Furthermore, having reviewed the parties' filings with the Court, the Court finds that Petitioner failed to exhaust state remedies in that she failed to present her claims to the state courts of Georgia, and that Petitioner's challenge to her 2003 conviction is time-barred. Accordingly, the Recommendation [Doc. 13] that Respondent's Motion to Dismiss [Doc. 7] and

Respondent's Motion to Sever and Dismiss [Doc. 9] be granted is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT.**

SO ORDERED, this 27th day of March, 2006.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

AEG